

REMARKS/ARGUMENTS

I. Objection to the Declaration

The Office Action contends that the declaration does not state that the person making the declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 C.F.R. 1.56. Applicants respectfully disagree. Page 2 of the declaration sets forth the language of 37 C.F.R. 1.56 and page 4 of the declaration contains the inventor's signature with a paragraph implicating the inventors' knowledge of the information in the declaration. Accordingly, applicants request that the objection to the declaration is withdrawn. If further clarification is required, please feel free to contact the applicants' attorney to resolve this matter.

III. Allowable Subject Matter

The Office Action indicates that claims 28-39, 42-44, 47,52 and 54-56 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, provided with the amendments that overcome the rejection under 35 U.S.C. 101. Applicants greatly appreciate the notice of allowable subject matter.

Independent claims 26, 40 and 45 have been amended as set forth above to overcome the rejection under 35 U.S.C. 101. The limitations of claims 26 and 28 have been rewritten as newly submitted independent claim 57. The limitations of claims 26 and 29 have been rewritten as newly submitted independent claim 58. Also, the limitations of claims 40, 41 and 42 have been rewritten as newly submitted independent claim 59. The limitations of claims 45, 46 and 47

have been rewritten as newly submitted independent claim 60. Additionally, the limitations of claims 45, 46 and 50 have been rewritten as newly submitted independent claim 61. The limitations of claims 45, 53 and 54 have been rewritten as newly submitted independent claim 62. Furthermore, the limitations of claims 45, 53 and 55 have been rewritten as newly submitted independent claim 63. Claims 1-29, 40-42, 45-47, 50 and 53-55 have been canceled. Claims 30, 43, 48, 51 and 56 have been amended to include proper dependency. Accordingly, applicants believe that claims 30-39, 43-44, 48-49, 51-52, and 56-63 are in condition for allowance.

IV. Rejection of claims 1-27, 40-41, 45-46, and 53 under 35 U.S.C. 102(b).

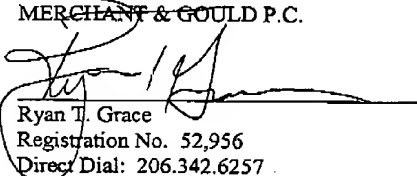
Claims 1-5 and 40-41 were rejected under 35 U.S.C. 102(b) as being anticipated by Larus et al., "Optimal Profiling and Tracing Program", ACM 1994 ("Larus"). Claims 6-27, 45-46, and 53 were rejected under 35 U.S.C. 102(b) as being anticipated by Ball et al., "On the Limit of Control Flow Analysis for Regression Test Selection", ACM 1998 ("Ball"). Applicants respectfully disagree with the rejection. However, in order to expedite allowance of the claims in this matter, claims 1-29, 40-42, 45-47, 50 and 53-55 have been canceled. The subject matter of claims 1-29, 40-42, 45-47, 50 and 53-55 will be pursued in a continuation. This amendment should not be considered a concession of any subject matter of the aforementioned claims as will be more fully addressed in the forthcoming continuation.

In view of the foregoing, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner

is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

Respectfully submitted,

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